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DATE: Aug. 10, 2006

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FROM: Wey Thomas Crochet

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*With regard to withdrawal of abandonment in
view of improper and invalid notice of
allowability due to examiners faulty
Amendments.*

Petition to Director Don Hajec, Group 3600

Applicant – Huey Thomas Crochet

Application # 10,083,771

Examiner – Kurt Rowen

Art Unit 3643

Title of Invention – Dynamic Snag Resistant Fishing Weight

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37 CFR 1.8

Request for withdrawal of abandonment in view of improper and invalid notice of allowability.

Sir,

Examiner Rowan's notice of allowability clearly shows, adjacent box #2, that claim 22 is the allowed claim.

Said examiner's amendments, attached to said notice, show that the examiner made only one amendment to the applicant's claim 22 whereby he has inserted the word at into line 13 between the words terminating, and, said first end.

After said insertion, said line 13 now reads in part, "said hemisphere head terminating at said first end," which creates an uncertainty about lines 5-6 which state in part, that there is a "smoothly rounded hemisphere head terminating a first end and an opposite second end," such that the applicant's claim 22 is now indefinite with regard to the exact positioning of said hemisphere heads.

Because the examiner has approved said claim 22 he is clearly aware of the existence of said cylindrical body and said hemisphere heads especially since his amendment to line 13 of said claim creates an indefiniteness regarding the placement of said head at said first end. The applicant objects to the amendment of said claim in view of the introduction of uncertainty regarding the placement of said head terminating said first end.

Further amendments, made by the examiner, also are shown in said examiner's attachments to the notice of allowability, wherein the structure of the hemisphere heads and cylindrical body are missing.

The examiner's comment of said attachments states only that a page of the applicant's specification has been deleted from the record and gives no reasons as to why that was done.

However, a look at the record shows that the examiner's deletions include original disclosure and encompass entirely those three sections that are structurally descriptive and contain a description of said cylindrical body and hemisphere heads.

Said sections are the applicant's description of invention of the original disclosure, the corrected drawing, and the corrected description of drawing such that almost all of the applicant's original disclosure has been deleted and replaced by sections that said examiner terms amendments.

After the examiner's amendments, all structurally descriptive portions of the applicant's original specification have been replaced, by the examiner's own sections, as shown by said attachments to said notice, and are either completely non-descriptive, as in the examiner's brief description of drawing, or are missing structure described in claim 22.

The examiner's replacement for the applicant's description of invention is the detailed description of the preferred embodiment wherein the placement of hole 3 is clearly indefinite and does not support the precise description of said hole as put forth by the applicant in claim 22.

Clearly under the examiner's amendments the applicant's claim 22 is unpatentable and the applicant's application is illegal in view of the examiner's deletion of structurally descriptive original disclosure.

Said unpatentable claim clearly warrants a voluntary withdrawal of the allowance by the office under 37 CFR 1.313 (b) #3.

Said deletions fall under 37 CFR 1.56 (a) in view of MPEP2001 and also warrants voluntary withdrawal of allowance by the office under 37 CFR 1.313 (b) #2.

A third reason for voluntary withdrawal of allowance by the office is #1 of 37 CFR 1.313 wherein said #1 is a mistake on the part of the office which is obvious in view of said #'s 2, and 3.

Clearly under 37 CFR 1.56 (a) the applicant has a duty to disclose the deletion, by the examiner, of structurally descriptive original disclosure from the applicant's application because that is information material to patentability.

Because the applicant has pointed out herein the violations accrued by the examiner and because said examiner displays his obviously faulty amendments and put his signature to said attached papers of the notice of allowability, the applicant contends that said notice is invalid as is the subsequent issue date and the holding of abandonment against the applicant for non-payment of said issue fee.

Clearly in view of the evidence of the record brought to light herein, if the applicant had paid the issue fee his patent would have been easily contestable post patent and he would have been guilty of being party to the perpetration of a fraud on the patent office under 37 CFR 1.56 (a).

Because the notice of allowability is clearly improper, illegal, and invalid then accordingly, so is the issue fee and the holding of abandonment against the applicant's application.

As in the applicant's timely filed and erroneously dismissed January 12, 2006 petition, the applicant further requests that his application be restored to the condition it was in immediately prior the examiner's faulty amendments and be found in condition for allowance.

I hereby certify that this communication is being facsimile transmitted to the PTO fax # 571-273-8300 on this day August 10, 2006.

Huey Thomas Crochet

Signed Huey Thomas Crochet Dated Aug 10, 2006